





PUBLIC DOCUMENT.....

.....No. 12.

## ANNUAL REPORT

OF THE

# ATTORNEY GENERAL

FOR THE

YEAR 1877.

BOSTON :

Rand, Avery, & Co., Printers to the Commonwealth,

117 FRANKLIN STREET.

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## Commonwealth of Massachusetts.

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ATTORNEY GENERAL'S OFFICE,  
BOSTON, 7 COURT SQUARE, Jan. 21, 1878. }

To the Hon. JOHN D. LONG, *Speaker of the House of Representatives.*

SIR:—I have the honor to transmit to you, herewith, my official Report, for the year ending on the third Wednesday in January, A. D. 1878.

I am, very respectfully,  
Your obedient servant,

CHAS. R. TRAIN.



# Commonwealth of Massachusetts.

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ATTORNEY GENERAL'S OFFICE,  
BOSTON, 7 COURT SQUARE, Jan. 21, 1878. }

*To the Honorable the Speaker of the House of Representatives.*

I have the honor to submit to the Legislature my Report for the year ending on the third Wednesday in January, 1878.

The number of applications for requisitions upon the Executives of sister States, for the rendition of fugitives from justice, has been twenty-nine; the number granted for thirty-one persons, twenty-seven; the number refused, two; the number of criminals reported as returned for trial under requisitions, twenty-six.

The whole expense to the Commonwealth incurred in the return of fugitives from justice, as appears in the accounts of the Auditor, is \$2,751.46.

The number of requisitions from other States, upon the Executive of this Commonwealth, has been fifteen; the number complied with, fourteen; the number refused, one.

The whole number of cases in the courts of the Commonwealth, which have required my personal attention, is 207, classified as follows:—

Indictments for capital crimes, . . . . .	20
Exceptions, appeals, and reports in criminal cases, . . . . .	69
Informations at the relation of the Treasurer, . . . . .	29
Informations at the relation of the Commissioner of Corporations, . .	4
Informations at the relation of the Harbor Commissioners, . . . . .	2
Information at the relation of the Insurance Commissioner, . . . . .	1
Informations at the relation of the State Board of Health, . . . . .	2
Informations at the relation of private persons, . . . . .	11
Petitions by the Insurance Commissioner, . . . . .	22
Petitions by the Commissioners of Savings Banks, . . . . .	11
Bills in equity, involving public charities, . . . . .	7
Miscellaneous in State courts, . . . . .	23
Cases in courts of the United States, . . . . .	6

The whole number of new claims left in this office by the treasurer for collection is sixty-one, and by the commissioner of corporations, twenty-eight. The number collected by suit or information, fourteen; the number collected without suit, sixty-four, and the number remaining uncollected, eleven. The amount collected and paid over to the treasurer by this office is seven thousand eight hundred and seventy-eight dollars and twenty cents (\$7,878.20).

I have, during the year, attended personally to the conduct and disposition of the following indictments for murder in the Supreme Judicial Court:—

#### IN THE COUNTY OF BERKSHIRE.

1. An indictment against Charles Wood for the murder of Hannah Maria Hazard, with an axe. This indictment was returned by the grand jury at the January term of the Superior Court, 1877, and the defendant was put upon his trial before Justices Colt and Morton on the 6th of February following. The jury found the defendant guilty of murder in the second degree, and he was sentenced to the State Prison for life, one day solitary confinement.

2. An indictment returned against the defendant at the October term, 1876, for the same offence, was *nol. pros'd.* Messrs. H. C. Joyner and W. C. Spaulding, Esquires, conducted the defence, and Mr. District-Attorney E. H. Lathrop assisted me in the prosecution.

#### IN THE COUNTY OF BRISTOL.

3. An indictment against Thomas Fitzgerald, for the murder of his wife by stabbing with a knife. This indictment was returned by the grand jury at the September term, and the defendant was put upon his trial, before Justices Morton and Eudicott, on the fifth day of December. The jury rendered a verdict of guilty of murder in the second degree, and Fitzgerald was sentenced to imprisonment for life, one day solitary. James Brown and H. M. Braly, Esquires, conducted the defence, and District-Attorney Mars-ton assisted me in the prosecution.

## IN THE COUNTY OF ESSEX.

4. An indictment against Albert Joy, for the murder of Charles Gilman by drowning. This indictment was returned by the grand jury at the May term of the Superior Court. The defendant was put upon his trial at Salem, before Justices Morton and Lord, on the ninth day of July. The jury found the defendant guilty of murder in the first degree, and he was sentenced to be executed. His sentence was subsequently commuted by the Governor and Council to imprisonment for life. Messrs. Wm. D. Northend and H. W. Woods, Esquires, conducted the defence, and Mr. District-Attorney E. J. Sherman assisted me in the prosecution.

## IN THE COUNTY OF HAMPSHIRE.

5. An indictment against Jared Wheeler, for the murder of Harriet Wheeler. This indictment was received at my office on the 18th of June last, and the defendant was put on his trial, before Mr. Chief Justice Gray and Mr. Justice Soule, on the 20th of September. The jury returned a verdict of not guilty, and the defendant was discharged without day. The Messrs. Bond Brothers of Northampton conducted the defence, and Mr. District-Attorney S. T. Fields was associated with me in the prosecution.

## IN THE COUNTY OF MIDDLESEX.

6. An indictment against Lucy Ann Mank, otherwise called Lula A. Martin, for the murder of Charles Ricker by shooting with a pistol. This indictment was returned by the grand jury at the October term of the Superior Court, 1876, and the defendant was put upon her trial on the 28th of May last, before Justices Ames and Morton; the trial having been postponed at her request. The jury returned a verdict of guilty of manslaughter.

Exceptions were taken by the counsel for the defendant to the rulings of the court, which were argued at the November term and overruled, and the defendant was sentenced to imprisonment in the House of Correction for the term of nine years. She has since been removed to the Reformatory Prison for Women at Sherborn. Messrs. Wm. B. Gale and W. H. Bent, Esquires, conducted the defence, and District-Attorney George Stevens assisted me in the prosecution.

## IN THE COUNTY OF NORFOLK.

7 and 8. An indictment against Emory Williams Shaw, for the murder of Simeon Smith by shooting with a gun. The first indictment was returned by the grand jury at the April term of the Superior Court, and the defendant pleaded in abatement that he was misnamed. A second indictment was therefore returned against him at the September term. Upon an examination of the facts, I became satisfied that Shaw ought not to be put upon trial, and he was therefore discharged upon his own recognizance.

9. An indictment against Michael Murphy for the murder of William Appleton, by shooting with a pistol. This indictment was returned by the grand jury, at the December term of the Superior Court. The prisoner was arraigned on the 24th of December last, and pleaded guilty of murder in the second degree; which plea I accepted, and he will be sentenced at the next term of the Supreme Judicial Court. Messrs. John D. Long and J. E. Tirrill, Esquires, counsel for the prisoner.

## IN THE COUNTY OF SUFFOLK.

10. An indictment against Gottfreid Zeigler for the murder of Samuel Kull, by blows upon the head with an axe. This indictment was returned by the grand jury at the May term of the Superior Court; and on the twenty-fourth day of July I accepted a plea of guilty of murder in the second degree, and the prisoner was sentenced to imprisonment in the State Prison for life, one day solitary. Darwin E. Ware and Henry F. Buswell, Esquires, counsel for the defence.

11. An indictment against Lizzie M. Sullivan, for the murder of her bastard infant. This indictment was returned by the grand jury, at the July term of the Superior Court. On the eighteenth day of December I accepted a plea of guilty of manslaughter, and she was sentenced to the House of Correction for the term of five years. She has since been removed to the Reformatory Prison for Women at Sherborn. Heman W. Chaplin and George E. Smith, Esquires, counsel for the prisoner.

12. An indictment against Peter Maloney, for the murder

of Bridget Frances Kenealy, by stabbing with a knife. This indictment was returned by the grand jury, at the December term of the Superior Court, and is still pending.

#### IN THE COUNTY OF WORCESTER.

13. An indictment against William Spakeman, for the murder of Elizabeth Spakeman, by blows with an axe. This indictment was returned by the grand jury at the May term. The defendant was put upon his trial before Justices Colt and Ames, on the 10th of October, and the trial occupied three days. The jury returned a verdict of not guilty by reason of insanity, and the prisoner was committed to the Lunatic Hospital at Taunton for life. William B. Harding and Edward F. Harris, Esquires, were counsel for the prisoner, and Mr. District-Attorney H. B. Staples assisted me in the prosecution.

In prosecutions for embezzlement, under our statutes, it oftentimes becomes a matter of great difficulty to ascertain and prove the county in which the offence was committed. This is especially true in the case of the agents of railroad corporations, express companies, and parties who travel greater or less distances with the property of their employers in their possession (or collect it in different counties on their business routes), which they are subsequently charged with converting to their own use.

I beg leave to suggest an amendment to the statutes which shall provide, that in all prosecutions for embezzlement, the party may be indicted and tried in any county in which it shall be made to appear he was in possession of the property for the embezzlement of which he stands charged.

It seems to me such an amendment would not prejudice a defendant; that it would harmonize the law of embezzlement with the law of larceny, and would enable the government more successfully to enforce the law upon this subject.

I respectfully suggest that the law relating to receivers of stolen property should be so amended as to make it certain that such a receiver shall be held responsible if he receives such property, whether stolen without or within the limits of this Commonwealth. The amount of property in the shape of bonds, and other evidences of debt, which are the subject

of larceny, is so great as to be almost inconceivable, while the facilities of intercommunication are such, between the States, that a thief rarely disposes of his plunder within the limits of the State in which the larceny was committed. It seems to me that a provision of law, reciprocal between the States of the Union, upon this subject, is imperatively demanded; and I recommend that the Legislature should pass such a statute, which would undoubtedly be adopted by the other States.

The case of Joseph T. Barry, in error, *v.* the Commonwealth, which was determined by the Supreme Judicial Court on the 12th of September, 1874, and was thence removed by Barry to the Supreme Court of the United States, by writ of error, was decided in favor of the Commonwealth in November last, and Barry is now serving out his sentence.

The case of the Boston Beer Company, in error, *v.* the Commonwealth, which was decided by the Supreme Judicial Court on the 30th June, 1874, and thence taken by the company to the Supreme Court of the United States, by writ of error, is still pending. A motion made by me to advance the cause upon the docket was denied, upon the ground that it was not a criminal case. I hope it will be reached and disposed of at the present term of the court, probably in April next.

A final decree has been entered in the suit which has long been pending under Stat. 1871, chap. 294, to determine the boundary lines of the land and flats of the Commonwealth adjoining the State Prison in Charlestown. The determination of these boundaries has been attended with much difficulty, the original lines of high and low water mark in the vicinity having been obliterated for many years, and the peculiar formation of the cove or creek which formerly extended in a north-easterly direction between Lynde's Point, which is now a part of the State Prison lands and the burial hill, making the ordinary rules for the division of flats inapplicable to it. The first report of the commissioners appointed in this cause, Messrs. George F. Choate, George M. Brooks, and Uriel H. Crocker, adopted a system for the division of these flats which was novel in its principles, and awarded to the Commonwealth a much smaller portion of the cove than that to which it had claimed title. Exceptions to this report were

filed on behalf of the Commonwealth, which were sustained by the Chief Justice, and boundaries which are much more favorable to the interests of the Commonwealth have now been established by the commissioners under the direction of the court.

The amended report of the commissioners has been accepted by the court; and recorded in the registry of deeds in accordance with the requirements of the statute under which the commissioners were appointed, and is made by this statute final and binding upon the Commonwealth and the other parties to the proceedings.

I again call the attention of the Legislature to the fact that there is no provision of law requiring judges of probate courts to make returns of the criminal cases pending before them each year, and respectfully ask that this inadvertence on the part of a former Legislature may be corrected by appropriate legislation.

Of the insurance companies made insolvent by the great fire in Boston in 1872, final decrees have been entered in four since my last report; making sixteen in all which have been finally settled up by the receivers, and leaving thirteen still pending.

Three new companies have been added to the list of insolvent insurance companies during the year; namely, the Builders' Insurance Company in Boston, the Conway Mutual at Conway, and the Northampton Insurance Company at Northampton.

Of the savings banks, the following are in the hands of receivers; to wit, the Lancaster Savings Bank at Lancaster, the Mechanics' Savings Bank and the West Boston Savings Bank at Boston, and the North Bridgewater Savings Bank at Brockton.

The following are under temporary injunction: the Sandwich Savings Bank at Sandwich, the Barnstable Savings Bank at Barnstable, the Hyannis Savings Bank at Hyannis, the Taunton Savings Bank at Taunton, and the Woburn Savings Bank at Woburn.

Upon the relation of the Harbor Commissioners, under chapter 219 of the Acts of 1877, entitled "An Act to enforce the Provisions of Chapter 303 of the Acts of the Year 1871," in relation to Green Harbor Marsh in Marshfield, I have pre-

pared an information which is not yet filed. No appropriation was made by the Legislature, that I am aware of, to defray the expenses of this litigation, unless it is to be found in the appropriation for the compensation and expenses of the Harbor Commissioners, of which I am not advised.

The sum of \$113.85 has been expended under the provisions of chapter 14, section 24, of the General Statutes, for the contingent expenses of civil actions.

Tables are herewith transmitted, which show the details of all the cases which have been under my charge during the year.

I am, very respectfully,  
Your obedient servant,

CHARLES R. TRAIN.

TABLE

*Showing the Number of Criminal Cases pending on Questions of Law in the Supreme Judicial Court during the Year 1877, and the Disposition thereof by Counties.*

COUNTIES.	Cases pending.	Cases decided for the Commonwealth.	Cases decided against the Commonwealth.	Argued but not yet decided.	Not yet argued.
BERKSHIRE, . . . . .	1	1	—	—	—
BRISTOL, . . . . .	7	7	—	—	—
ESSEX, . . . . .	14	13	—	1	—
HAMPSHIRE, . . . . .	5	4	1	—	—
MIDDLESEX, . . . . .	12	10	1	1	—
NORFOLK, . . . . .	2	2	—	—	—
PLYMOUTH, . . . . .	2	2	—	—	—
SUFFOLK, . . . . .	22	14	5	1	2
WORCESTER, . . . . .	4	4	—	—	—
Total, . . . . .	69	57	7	3	2

## T A B L E

*Showing the Number and Character of Criminal Cases pending on Questions of Law in the Supreme Judicial Court during the Year 1877, and the Disposition thereof.*

OFFENCES.	Cases pending.	Decided for the Commonwealth.	Decided against the Commonwealth.	Argued, but not yet decided.	Not yet argued.
Abortion, . . . . .	2	2	-	-	-
Assault, . . . . .	2	2	-	-	-
Assault and battery, . . . . .	1	1	-	-	-
Assault with intent to kill, . . . . .	1	-	-	-	1
Assault with intent to ravish, . . . . .	1	1	-	-	-
Assault with a pistol, . . . . .	1	-	1	-	-
Breaking and entering, . . . . .	3	3	-	-	-
Burglary, . . . . .	1	-	1	-	-
Dog, illegal keeping of, . . . . .	1	1	-	-	-
Explosive substances, illegal transportation of, . . . . .	1	1	-	-	-
Forgery, . . . . .	1	-	1	-	-
Habeas corpus, . . . . .	5	5	-	-	-
Illegal voting, . . . . .	1	1	-	-	-
Larceny, . . . . .	5	2	2	-	1
Larceny from a building, . . . . .	1	1	-	-	-
Liquor, illegal sale of, . . . . .	5	5	-	-	-
Liquor, keeping with intent to sell, . . . . .	11	11	-	-	-
Liquor nuisance, . . . . .	14	13	-	1	-
Liquor seizure, . . . . .	2	1	1	-	-
Manslaughter, . . . . .	1	1	-	-	-
Overdriving a horse, . . . . .	1	1	-	-	-
Perjury, . . . . .	2	2	-	-	-
Polygamy, . . . . .	1	1	-	-	-
Receiving stolen goods, . . . . .	2	1	-	1	-
Robbery, . . . . .	1	1	-	-	-
Writ of error, . . . . .	2	-	1	-	1
Total, . . . . .	69	57	7	3	2

## TABLE

*Showing the Number and Character of Cases not Criminal pending on Questions of Law in the Supreme Judicial Court and argued by the Attorney General during the Year 1877, and the Disposition thereof.*

CASES.	Cases pending.	Decided for the Commonwealth.	Decided against the Commonwealth.	Argued, not yet decided.
Contract for support of pauper at State Lunatic Asylum, . . . . .	1	—	—	1
Petition for a jury from an order of the State Board of Health, under St. 1871, chap. 167, § 2, . . . . .	1	1	1	—
Petition for payment of counsel fees out of assets in hands of receivers, . . . . .	1	1	—	—
Petition for payment of State tax out of assets in hands of receivers, . . . . .	1	—	1	—
<i>Quo warranto</i> for the usurpation of the office of judge of a court, . . . . .	1	1	—	—
Tort for penalty under St. 1874, chap. 372, §§ 140 and 141, . . . . .	1	—	—	1
Totals, . . . . .	6	2	2	2

## CASES

*Argued and conducted by the Attorney General during the Year  
1877.*

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## COUNTY OF BERKSHIRE.

Commonwealth v. Charles Wood. S. J. C. *Murder.* Verdict, guilty of murder in the second degree. Sentence, imprisonment for life.

Commonwealth v. Isaac I. Werden. S. J. C. *Illegal transportation of nitro-glycerine.* Exceptions S. C. Exceptions waived.

## COUNTY OF BRISTOL.

Commonwealth v. Thomas Fitzgerald. S. J. C. *Murder.* Verdict, guilty of murder in the second degree. Sentence, imprisonment for life.

Commonwealth v. James Wallace. S. J. C. *Keeping liquor with intent to sell.* Exceptions S. C. Exceptions overruled.

Commonwealth v. William Wallace. S. J. C. *Keeping liquor with intent to sell.* Exceptions S. C. Exceptions overruled.

Commonwealth v. Manuel Lewis. S. J. C. *Keeping liquor with intent to sell.* Exceptions S. C. Exceptions overruled.

Commonwealth v. Simon O'Keefe. S. J. C. *Keeping liquor with intent to sell.* Appeal and exceptions S. C. Appeal dismissed. Exceptions overruled.

Commonwealth v. John G. Taber. S. J. C. *Keeping liquor with intent to sell.* Appeal and exceptions S. C. Appeal dismissed and exceptions overruled.

Commonwealth v. Jabez E. Walcott. S. J. C. *Keeping liquor with intent to sell.* Appeal and exceptions S. C. Appeal dismissed and exceptions overruled.

Commonwealth v. James McClusky. S. J. C. *Liquor nuisance.* Exceptions S. C. Exceptions overruled.

## ESSEX COUNTY.

Commonwealth v. William Russell. S. J. C. *Murder.* Defendant still stands committed to Lunatic Asylum at Taunton to await the further order of the court.

Commonwealth v. Certain Intoxicating Liquors (Albert C. Andrews, claimant). S. J. C. *Liquor seizure.* Exceptions S. C. Exceptions overruled.

Commonwealth v. Albert Joy, alias William Williams. S. J. C. *Murder.* Verdict, guilty of murder in the first degree. Sentence, death. Commuted to imprisonment for life.

Attorney General *v.* Nathan M. Hawkes. S. J. C. *Quo warranto.* Demurrer overruled. Judgment of ouster.

Commonwealth *v.* Jeremiah Desmond. S. J. C. *Illegal voting.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Thomas Gately. S. J. C. *Liquor nuisance.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* John Fitzgerald. S. J. C. *Assault with intent to ravish.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Patrick McLaughlin. S. J. C. *Illegal sale of liquor.* Exceptions S. C. Exceptions waived.

Commonwealth *v.* Orlando Brown. S. J. C. *Liquor nuisance.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Patrick Feeney. S. J. C. *Liquor nuisance.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Henry H. Heath. S. J. C. *Liquor nuisance.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Abiel S. Holt. S. J. C. *Liquor nuisance.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* John O'Connors. S. J. C. *Liquor nuisance.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Warren W. Smith. S. J. C. *Liquor nuisance.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* George T. Brown. S. J. C. *Liquor nuisance.* Exceptions S. C. Argued; not yet decided.

Commonwealth *v.* Murray V. Livingstone. S. J. C. *Illegal keeping of intoxicating liquor.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Martin Cahill. S. J. C. *Illegal keeping of intoxicating liquor.* Exceptions S. C. Exceptions overruled.

#### COUNTY OF HAMPSHIRE.

Commonwealth *v.* Jared Wheeler. S. J. C. *Murder.* Verdict, not guilty.

Commonwealth *v.* Luke Blair. S. J. C. *Abortion.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Merrick Sly. S. J. C. *Polygamy.* Exceptions S. C. Exceptions waived.

Commonwealth *v.* John C. Sullivan. S. J. C. *Liquor nuisance.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Robert Scott *et al.* *Burglary.* Exceptions S. C. Exceptions sustained.

Commonwealth *v.* Robert Scott *et al.* *Breaking and entering.* Exceptions S. C. Exceptions overruled. Motion for a new trial. Motion dismissed.

#### COUNTY OF MIDDLESEX.

Attorney General *v.* Boston & Lowell Railroad. S. J. C. *Information to restrain filling flats.* Interlocutory decree restraining filling as prayed for.

Commonwealth *v.* Andrew Donelly. S. J. C. *Murder.* Defendant still in Taunton Lunatic Hospital.

Commonwealth *v.* Joseph Sullivan. S. J. C. *Murder.* Defendant still in Taunton Lunatic Hospital.

Commonwealth *v.* Lucy Ann Mink, *alias* Mank, *alias* Martin. S. J. C. *Murder.* Verdict, guilty of manslaughter. Exceptions. Exceptions overruled. Sentence, nine years imprisonment.

George A. Sawyer *v.* State Board of Health. S. J. C. *Petition for a jury from order of defendant under St. 1871, c. 167, § 2.* Appeal S. C. Petition to stand for a hearing.

Charles Endicott, Treasurer, *v.* Inhabitants of Hopkinton. S. J. C. *Contract for expense of supporting insane pauper.* Appeal S. C. Argued; not yet decided.

Commonwealth *v.* Worcester and Nashua Railroad. S. J. C. *Tort for penalty under St. 1874, c. 372, § 141.* Appeal S. C. Argued; not yet decided.

Commonwealth *v.* Richard Mahar. S. J. C. *Overdriving a horse.* Exceptions S. C. Defendant defaulted. No error appeared.

Commonwealth *v.* John Kelly. S. J. C. *Perjury.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Edward Hart. S. J. C. *Liquor nuisance.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Henry M. Fenn. S. J. C. *Assault with a dangerous weapon.* Exceptions S. C. Argued; not yet decided.

Commonwealth *v.* John Carroll. S. J. C. *Liquor nuisance.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Patrick Gallagher. S. J. C. *Keeping liquor with intent to sell.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* John Newton. S. J. C. *Liquor seizure.* Exceptions S. C. Exceptions sustained.

Commonwealth *v.* Maria Fitzgerald. S. J. C. *Liquor nuisance.* Exceptions S. C. Exceptions waived.

Commonwealth *v.* Paine G. Ballou. S. J. C. *Common nuisance.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Timothy Drum. S. J. C. *Illegal sale of liquor.* Exceptions S. C. Exceptions waived.

Commonwealth *v.* James Burns. S. J. C. *Assault.* Exceptions S. C. Exceptions waived.

#### COUNTY OF NORFOLK.

Commonwealth *v.* Dennis Caney. S. J. C. *Murder.* Defendant still in Taunton Lunatic Hospital.

Commonwealth *v.* David Scannell. S. J. C. *Murder.* Defendant still in Taunton Lunatic Hospital.

Commonwealth *v.* William Shaw. S. J. C. *Murder.* Plea of misnomer. *Nol. pros.* entered.

Commonwealth *v.* Emery William Shaw. S. J. C. *Murder.* Plea, not guilty. Prisoner discharged on his own recognizance.

Commonwealth *v.* Michael Murphy. S. J. C. *Murder.* Plea, guilty of murder in the second degree. Prisoner stands committed to await sentence.

Commonwealth *v.* Bernard F. Trainor. S. J. C. *Illegal sale of liquor.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Edward McCabe. S. J. C. *Illegal sale of liquor.* Exceptions S. C. Exceptions overruled.

COUNTY OF PLYMOUTH.

Commonwealth *v.* Labree. S. J. C. *Keeping and exposing liquor for sale.* Exceptions S. C. Exceptions dismissed.

Commonwealth *v.* Henry Henlaw. S. J. C. *Illegal sale of liquor.* Exceptions S. C. Exceptions waived.

COUNTY OF SUFFOLK.

Commonwealth, by Insurance Commissioner, *v.* Hide and Leather Insurance Company. Same *v.* New England Mutual Marine Insurance Company. S. J. C. *Petitions for injunctions and winding up of affairs.* Affairs in hands of receiver.

Commonwealth, by Deputy Insurance Commissioner, *v.* Tremont Insurance Company. Same *v.* Firemen's Insurance Company. Same *v.* Boot and Shoe Manufacturers' Mutual Fire Insurance Company. Same *v.* Mechanics' Mutual Fire Insurance Company. S. J. C. *Petitions for injunctions and winding up of affairs.* Final decrees.

Commonwealth, by Deputy Insurance Commissioner, *v.* National Insurance Company. Same *v.* Exchange Insurance Company. Same *v.* Boston Insurance Company. Same *v.* Suffolk Fire Insurance Company. Same *v.* Manufacturers' Insurance Company. Same *v.* Howard Insurance Company. Same *v.* Merchants' Insurance Company. Same *v.* Bay State Fire Insurance Company. Same *v.* Shoe and Leather Dealers' Insurance Company. Same *v.* Franklin Insurance Company. Same *v.* People's Fire Insurance Company. Same *v.* Washington Insurance Company. Same *v.* Neptune Insurance Company. S. J. C. *Petitions for injunctions and winding up of affairs.* Affairs in hands of receivers.

Commonwealth, by Insurance Commissioner, *v.* Builders' Mutual Fire Insurance Company. Same *v.* Conway Mutual Fire Insurance Company. Same *v.* Northampton Mutual Fire Insurance Company. S. J. C. *Petitions for injunctions and winding up of affairs.* Affairs in hands of receivers.

Commonwealth, by Commissioner of Savings Banks, *v.* West Boston Savings Bank. S. J. C. *Petition for injunction and winding up of affairs.* Temporary injunction. Temporary injunction dissolved.

Commonwealth, by Board of Commissioners of Savings Banks, *v.* Mechanics' Savings Bank. Same *v.* North Bridgewater Savings Bank. Same *v.* West Boston Savings Bank. S. J. C. *Petitions for injunctions and winding up of affairs.* Affairs in hands of receivers.

Commonwealth, by Board of Commissioners of Savings Banks, *v.* City Five Cents Savings Bank. Same *v.* Sandwich Savings Bank. Same *v.* Barnstable Savings Bank. Same *v.* Hyannis Savings Bank. Same *v.* Taunton Savings Bank. S. J. C. *Petitions for injunctions and winding up of affairs.* Temporary injunctions issued, modified, and still in force.

Commonwealth, by Board of Commissioners of Savings Banks, *v.* Woburn Five Cents Savings Bank. S. J. C. *Petition for injunction and winding up of affairs.* Temporary injunction issued. Not yet heard on merits.

Commonwealth, by Deputy Insurance Commissioner, *v.* Mechanics' Mutual Insurance Company. *Ex parte* Linus M. Child, petitioner. *Petition for compensation.* Petition denied.

Attorney General, *ex relat.* Treasurer *v.* South Pewabic Copper Co. Same *v.* Winthrop Manufacturing Company. Same *v.* United States Manufacturing Company. Same *v.* Canadian Stop-motion Company. Same *v.* American Furniture Company. Same *v.* Springfield and Newburyport Co-operative Mining Company. Same *v.* United States Electric Light Company. Same *v.* Peet Molding Machine Company. Same *v.* Marginal Freight Railway Company. Same *v.* American Carpet Cleaning Company. Same *v.* Drake Gas Light Company. Same *v.* Estes Plow Company. S. J. C. *Informations for taxes.* Temporary injunctions in force.

Attorney General, *ex relat.* Treasurer *v.* Bay State Wheel Company. Same *v.* Beckwith Lumber Co. Same *v.* Chapman Valve Manufacturing Company. Same *v.* Essex Co-operative Boot and Shoe Company. Same *v.* New England Hod Elevating Company. Same *v.* Walpole Hair and Bedding Company. Same *v.* Wamesit Power Company. Same *v.* New Bedford Tool Company. S. J. C. *Informations for taxes.* Taxes paid; informations dismissed.

Attorney General *ex relat.* Treasurer *v.* Revere Brick Company. Same *v.* American Railway Frog Company. Same *v.* Black River Mining Company. Same *v.* Haverhill Lime Company. Same *v.* Cambridge Brick Company. Same *v.* Goodyear Rubber Company. S. J. C. *Informations for not making returns.* Temporary injunctions in force.

Attorney General, *ex relat.* Treasurer *v.* Eastern Marble Company. Same *v.* Phoenix Oil and Land Company. S. J. C. *Informations for not making returns.* Returns made; informations dismissed.

Attorney General, *ex relat.* Commissioner of Corporations *v.* Black River Mining Company. Same *v.* Haverhill Lime Company. S. J. C. *Informations for not making returns.* Temporary injunctions in force.

Attorney General, *ex relat.* Commissioner of Corporations *v.* Eastern Marble Company. Same *v.* Phoenix Oil and Land Company. S. J. C. *Informations for not making returns.* Returns made; informations dismissed.

Attorney General, *ex relat.* Treasurer, *v.* Avon Stone Company. S. J. C. *Information for not making returns.* Service not yet made.

Attorney General, *ex relat.* Harbor Commissioners, *v.* Eastern Railroad. S. J. C. *Information to restrain filling of flats without license.* License granted; information dismissed by consent.

*In re* Charles Nolan; *in re* Joseph C. Davis; *in re* Thomas Sheehan. S. J. C. *Petitions for habeas corpus;* petitions granted; cases adjourned into full court. Prisoners remanded.

*In re* Andrew Mills; *in re* Michael McGaffigan. S. J. C. *Petitions for habeas corpus.* Petitions refused.

*In re James Favor.* S. J. C. *Petition for habeas corpus for reduction of bail.* Bail reduced.

Commonwealth, by Commissioner of Corporations, *v.* Phoenix Oil and Land Company. S. J. C. *Petition for dissolution of corporation.* Corporation dissolved.

Commonwealth *v.* Thomas Brennan *alias* Branning. S. J. C. *Murder.* Defendant still in Lunatic Hospital.

Commonwealth *v.* Jesse Harding Pomeroy. S. J. C. *Murder.* *Nol. pros.* entered.

Commonwealth *v.* Adam Hohn. S. J. C. *Murder.* *Nol. pros.* entered.

Commonwealth *v.* Gottfried Zeigler. S. J. C. *Murder.* Plea, guilty of murder in the second degree. Sentence, imprisonment for life.

Commonwealth *v.* Lizzie M. Sullivan. S. J. C. *Murder.* Plea, guilty of manslaughter. Sentence, imprisonment for five years in the House of Correction.

Commonwealth *v.* Peter Maloney. Same *v.* Cornelius Tobin. S. J. C. *Murder.* Not yet tried.

Commonwealth *v.* Edward McLaughlin. S. J. C. *Perjury.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Charles H. Foster. S. J. C. *Forgery.* Exceptions S. C. Exceptions sustained.

Charles H. Foster *v.* Commonwealth. S. J. C. *Writ of error.* Judgment reversed.

Commonwealth *v.* John H. Walsh. S. J. C. *Buying and receiving stolen goods.* Exceptions S. C. Argued, but not yet decided.

Commonwealth *v.* Martin T. Green. S. J. C. *Robbery.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Guildford White. S. J. C. *Receiving stolen goods.* Exceptions S. C. Exceptions overruled. Motion for re-hearing. Re-hearing denied.

Commonwealth *v.* Michael Malley. S. J. C. *Breaking and entering a building.* Exceptions S. C. Exceptions waived.

Commonwealth *v.* Andrew J. Lynn. S. J. C. *Assault with a pistol.* Exceptions S. C. Exceptions sustained.

Commonwealth *v.* John Gazzolo. S. J. C. *Larceny, and receiving stolen goods.* Exceptions S. C. Exceptions sustained.

Commonwealth *v.* Joseph Butts. S. J. C. *Larceny.* Exceptions S. C. Not yet argued.

Commonwealth *v.* Fannie B. Drake. S. J. C. *Abortion.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Charles Carroll. S. J. C. *Larceny from a building.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Timothy Coughlin. S. J. C. *Assault on an officer.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Thomas L. Hurd. S. J. C. *Larceny.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* William I. Powell. S. J. C. *Assault and battery.* Exceptions S. C. Exceptions waived.

Commonwealth *v.* Dennis McDermott. S. J. C. *Larceny.* Exceptions S. C. Exceptions sustained.

William J. Sutherland *v.* Commonwealth. S. J. C. *Writ of error.* Not yet argued.

Attorney General, *ex relat.* Insurance Commissioner, *v.* Mercantile Marine Insurance Company. S. J. C. *Information for violation of St. 1874, c. 222.* Motion for re-hearing. Re-hearing denied. Information dismissed.

Commonwealth *v.* Edwin B. Dow. S. C. *Contract for insurance tax.* Judgment partially satisfied.

Commonwealth *v.* William H. Gerrish. A. C. Blethen and R. Currier. S. C. *Contract for insurance tax.* Judgment not yet satisfied.

Commonwealth *v.* John E. Collins. S. C. *Contract for insurance tax.* Judgment for the Commonwealth. Judgment satisfied.

Commonwealth *v.* Thomas M. James *et al.* S. C. *Contract for tax.* Tax paid.

Commonwealth *v.* Charles H. Cole *et al.* S. C. *Contract on insurance agent's bond.* Judgment for Commonwealth. Judgment satisfied.

Commonwealth *v.* Edwin B. Dow *et al.* S. C. *Contract on insurance agent's bond.* Tax paid.

Peter Roos *v.* William R. Ware. Municipal Court. *Replevin of drawings belonging to State Normal Art-School.* Judgment for defendant. Appeal. Appeal not yet heard.

#### COUNTY OF WORCESTER.

Commonwealth *v.* William Spakeman. S. J. C. *Murder.* Prisoner committed to insane asylum at Taunton.

Commonwealth, by Commissioner of Savings Banks, *v.* Lancaster Savings Bank. S. J. C. *Petition for injunction and winding up of affairs of the bank.* Affairs still in the hands of the receivers.

Commonwealth, by Commissioner of Savings Bank, *v.* Lancaster Savings Bank. *Ex parte Commonwealth of Massachusetts.* S. J. C. *Petition for payment of tax from assets in hand of receivers.* Judgment for bank. Appeal to full court. Judgment affirmed.

Commonwealth *v.* William Brahany. S. J. C. *Keeping a dog without a license.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* William Brigham. S. J. C. *Breaking and entering.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* John Powers. S. J. C. *Keeping liquor with intent to sell.* Exceptions S. C. Exceptions overruled.

Commonwealth *v.* Henry J. Chamberlain. S. J. C. *Larceny.* Exceptions S. C. Exceptions waived.

Commonwealth *v.* James P. Mulcahy. S. J. C. *Murder.* Not yet tried.

#### SUPREME COURT OF THE UNITED STATES.

Joseph T. Barry *v.* Commonwealth. *Wrts of error.* Judgment affirmed. Plaintiff in error failed to appear.

Boston Beer Company *v.* Commonwealth. *Writ of error.* Not yet argued.

## DISTRICT COURT OF THE UNITED STATES.

*In re Grafton Mills.* *Claim for tax.* No assets.

*In re J. Mortimer Goldsmith & Co.* *Claim for debt due Warden of State Prison.* Dividend of 35 per cent paid.

*In re Beckwith Lumber Co.* *Claim for tax.* Tax paid in full.

*In re Lewis Perrin.* *Claim for insurance agent's tax.* Tax paid by company.

## C A S E S

*Requiring the Attorney General's Official Supervision during the Year 1877, though not conducted nor argued by him.*

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## COUNTY OF BERKSHIRE.

Attorney General *v.* Housatonic Railroad Company. S. J. C. *Information for an injunction.* Perpetual injunction decreed.

## COUNTY OF FRANKLIN.

Trustees of Dickenson Academy and Deerfield Academy. *Petitioners for instructions as to administration of a public trust.* Final decree.

## COUNTY OF MIDDLESEX.

Nathan Tufts, Jr., *et al. v.* City of Charlestown *et al.* S. J. C. *Petition to ascertain boundaries of flats at Prison Point.* Final decree.

John Johnson *et al. v.* Edward E. Hale *et al.* S. J. C. *Bill for instructions as to administration of a public trust.* Final decree.

Attorney General *ex relat. v.* James O. Parker. S. J. C. *Bill for instructions as to administration of a public trust.* Reserved on bill and demurrer for the full court. Not yet argued.

## COUNTY OF PLYMOUTH.

Attorney General *ex relat.* Arthur Lord *v.* Inhabitants of Plymouth. S. J. C. *Information for injunction.* Perpetual injunction decreed.

## COUNTY OF SUFFOLK.

Attorney General *ex relat. v.* William T. Hart *et al.* S. J. C. Not yet tried.

George S. Montague *v.* Boston and Albany Railroad *et al.* S. J. C. *Bill to redeem a mortgage.* Argued; not yet decided.

Richardson *v.* Hall *et al.* S. J. C. *Bill for instructions as to administration of trust.* Argued; not yet decided.

William Minot *et al. v.* Perkins Asylum and Institution for the Blind. S. J. C. *Petition for instructions as to public charity.* Referred to a master; not yet heard.

Shaw *v.* Shaw Asylum for Mariners' Children. Minot *v.* Charles Harris *et al.* S. J. C. *Bills for instructions as to administrations of public charities.* Final decrees.

Attorney General *ex relat.* State Board of Health *v.* George Bowman. Same *v.* Walter S. Wilkins. S. J. C. *Informations to restrain trade of slaughtering.* Temporary injunction in force.

Attorney General *v.* City of Boston. S. J. C. *Information to restrain free ferries.* Bill dismissed by agreement.

Attorney General *ex relat.* E. D. Jordan *et al. v.* Metropolitan Railroad. Same *v.* Metropolitan Railroad. S. J. C. *Informations to restrain laying of tracks in city of Boston.* Demurrer sustained. Appeal. Appeal not yet heard.

Attorney General *v.* Middlesex Railroad. Same *v.* Metropolitan Railroad. S. J. C. *Informations.* Not yet heard.

J. W. Rice *v.* National Bank of Commerce *et al.* S. J. C. *Petition by private person for writ of quo warranto.* Attorney-General declined to intervene.

*In re American Sugar Refinery.* S. J. C. *Petition for dissolution of corporation.* Not yet heard.

*In re Frohock Last Company.* *In re Eastern Marble Company.* *In re Suffolk Mutual Insurance Company.* *In re Golden City Mineral and Land Company.* S. J. C. *Petitions for dissolution of corporations.* Corporations dissolved.

Commonwealth *v.* Abraham Jackson *et al.* S. J. C. *Contract on receiver's bond.* Not yet tried.

*In re John J. Williams.* S. J. C. *Petition to sell real estate.* Not yet heard.

#### COUNTY OF WORCESTER.

Attorney General *v.* Alonzo W. Bennett. S. J. C. *Information to enforce a public charity.* Not yet heard.

Attorney General *ex relat.* Inhabitants of Douglas *v.* Albert Butler *et al.* S. J. C. *Information to enforce a public charity.* Final decree for defendant.

Attorney General *ex relat. v.* City of Worcester. S. J. C. *Petition for a mandamus.* Mandamus issued.

















